#445

BILL NO. Z-90-08-11

ZONING MAP ORDINANCE NO. Z-09-90

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Professional Office District) under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the Northwest corner of said Northeast Quarter; thence East, on and along the North line of said Northeast Quarter, also being the centerline of Lake Avenue, a distance of 403.4 feet; thence Southerly, by a deflection angle right of 89 degrees 34 minutes 10 seconds, on and along the Northerly projection of the most Easterly line of Parklake Professional Center, a distance of 30.0 feet to a point on the South right of way line of said Lake Avenue, said point being the true point of beginning; thence continuing South, on and along said Northerly project and said East line, a distance of 564.0 feet to the Southeast corner of said Parklake Professional Center; thence East and parallel to said North line, a distance of 28.4 feet to a corner of a certain tract of land in said Northeast Quarter deeded to Paul M. and Edith M. Long as recorded in Deed Record #486, pages 68-70 in the Office of the Recorder of Allen County, Indiana; thence Northerly, by an interior angle of 90 degrees 41 minutes 50 seconds, on and along a West line of said Long tract, a distance of 564.03 feet to the South right of way line of said Lake Avenue; thence West, on and said South right of way line, being a line 30.0 feet (measured at right angles) South of and parallel to the North line of said Northeast Quarter, a distance of 39.5 feet to the true point of beginning, containing 0.440 acres of land, subject to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. Q-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

#445

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council ~~Conference Room 128~~, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M.,E.S.T.

DATED: 8-14-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA				✓
HENRY				
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO				✓

DATED: 9-11-90.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE RESOLUTION NO. Z-09-90 on the 11th day of September, 19 90

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles B. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 1990, at the hour of 2:00 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of September, 19 90, at the hour of 5:45 o'clock P M.,E.S.T.

PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS

[illegible] MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

№ 7336

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND. 7/19 19 90

RECEIVED FROM Raymond [illegible] $500.00

THE SUM OF Five Hundred & 00/100 DOLLARS

ON ACCOUNT OF Primary & Secondary Development Rezone R-1 to POD

PAID BY: CASH ☐ CHECK ☑ 11492 M.O. ☐

[illegible]
AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Doctor's Office and Imaging Center

XX/We Raymond W. Gize and Phillip D. Godsey, tenants in common,
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an POD District the property described as follows:

Part of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:
Commencing at the Northwest corner of said Northeast Quarter; thence East, on and along the North line of said Northeast Quarter, also being the centerline of Lake Avenue, a distance of 403.4 feet; thence Southerly, by a deflection angle right of 89 degrees, 34 minutes, 10 seconds, on and along the Northerly projection of the most Easterly line of Parklake Professional Center, a distance of 30.0 feet to a point on the South right-of-way line of said Lake Avenue, said point being the true point of beginning; thence continuing South, on and along said Northerly projection and said East line, a distance of 564.0 feet to the Southeast corner of said Parklake Professional Center; thence East and parallel to said North line, a distance of 28.4 feet to a corner of a certain tract of land in said Northeast
(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2516 Lake Avenue

(General Description for Planning Staff Use Only)

XXWe, the undersigned, certify that ~~I am~~/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Raymond W. Gize	923 Northcrest Ctr., Suite 5, P.O. Box 5778, Fort Wayne, IN 46895-5778	X Raymond W. Gize
Phillip D. Godsey (Name)	923 Northcrest Ctr., Suite 5, P.O. Box 5778, Fort Wayne, IN (Address) 46895-5778	X Phillip D. Godsey (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

Lindy G. Moss (Name)	P.O. Box 10839, Fort Wayne, IN 46854-0839 (Address & Zip Code)	(219) 422-1589 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

continue Legal Description from page 1

Quarter deeded to Paul M. and Edith M. Long as recorded in Deed Record #486, pages 68-70 in the Office of the Recorder of Allen County, Indiana; thence Northerly, by an interior angle of 90 degrees, 41 minutes, 50 seconds, on and along a West line of said Long tract, a distance of 564.03 feet to the South right-of-way line of said Lake Avenue; thence West, on and along said South right-of-way line, being a line 30.0 feet (measured at right angles) South of and parallel to the North line of said Northeast Quarter, a distance of 39.5 feet to the true point of beginning, containing 0.440 acres of land.

Legal Description of property to be rezoned.

Part of Northeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana more particularly described as follows, to wit:
Commencing at the Northwest corner of said Northeast Quarter; thence East, on and along the North line of said Northeast Quarter, also being the centerline of Lake Avenue, a distance of 403.4 feet; thence Southerly, by a deflection angle right of 89 degrees, 34 minutes, 10 seconds on and along the Northerly projection of the most Easterly line of Parklake Professional Center a distance of 30.0 feet to a point on the South right-of-way line of said Lake Avenue, said point being the true point of beginning; thence continuing South, on and along said Northerly projection and said East line, a distance of 564.0 feet to the Southeast corner of said Parklake Professional Center; thence East and parallel to said North line, a distance of 28.4 feet to a corner of a certain tract of land in said Northeast Quarter deeded to Paul M. and Edith M. Long as recorded in Deed Record #486, pages 68-70 in the Office of the Recorder of Allen County, Indiana; thence Northerly, by an interior angle of 90 degrees, 41 minutes, 50 seconds, on and along a West line of said Long tract, a distance of 564.03 feet to the South right-of-way line of said Lake Avenue; thence West, on and along said South right-of-way line, being a line 30.0 feet (measured at right angles) South of and parallel to the North line of said Northeast Quarter, a distance of 39.5 feet to the true point of beginning, containing 0.440 acres of land.

Owners of Property

(Name)	(Address)	(Signature)
Raymond W. Gize	923 Northcrest Ctr., Suite 5, P.O. Box 5778, Fort Wayne, IN 46895-5778	X Raymond W. Gize
Phillip D. Godsey	923 Northcrest Ctr., Suite 5, P.O. Box 5778, Fort Wayne, IN 46895-5778	X Phillip D. Godsey

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

Z. K. TAZIAN ASSOCIATES, INC.
345 WEST WAYNE ST. SUITE 202
FORT WAYNE, IN 46802
(219) 424-3232

SURVEYORS REPORT

Prepared as a part of the following survey:

Date: June 20, 1990
Name: Aaron and Marion Borenstein
Job No.: KO-155
Address: 2516 Lake Avenue

Under Title 864, Article 1.1, Chapter 13, Sec. 1, et. seq. of the Indiana Administrative Code, the following report is submitted with regard to:

a) Variances in the reference monuments;
b) Discrepancies in record descriptions and plats;
c) Inconsistencies in lines of occupation;
d) Random errors in measurements.

The Theoretical Uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Class B Survey (0.25 feet) as defined in IAC 864.

This is a recertification of a survey originally prepared by Z.K. Tazian Associates, Inc. on June 28, 1983 and recertified on June 12, 1989.

All corners of subject tract which existed in 1983 and 1989 were found undisturbed and in conformity with curb lines of Lake Avenue and existing survey monuments. Corners of subject tract are marked as shown on the survey certificate. A wood post (flush) was found 0.8 feet South of the Northwest corner of subject tract. A 1-inch diameter pipe was found at that corner.

Fence lines are shown on the survey certificate.

Consistent with the above findings it is the opinion of the undersigned that the above stated survey is subject to the following uncertainties with regard to the location of the lines and corners established therein:

Variances in reference monuments:	0.8 feet North-South at Northwest corner.
Discrepancies in record description:	None
Inconsistencies in lines of occupation:	None

I hereby certify the above statements to be correct to the best of my information, knowledge and belief.

Indiana Land Surveyor

NOTE: This report is provided for the client's information only and is not to be recorded.

ZOHRAB K. TAZIAN, P.E. & L.S.
JOHN C. SAUER, L.S.
SAM L. FAUST, L.S.

zktazian
CIVIL ENGINEERING SURVEYING LAND PLANNING
ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONES: 219/424-3232
219/426-0003

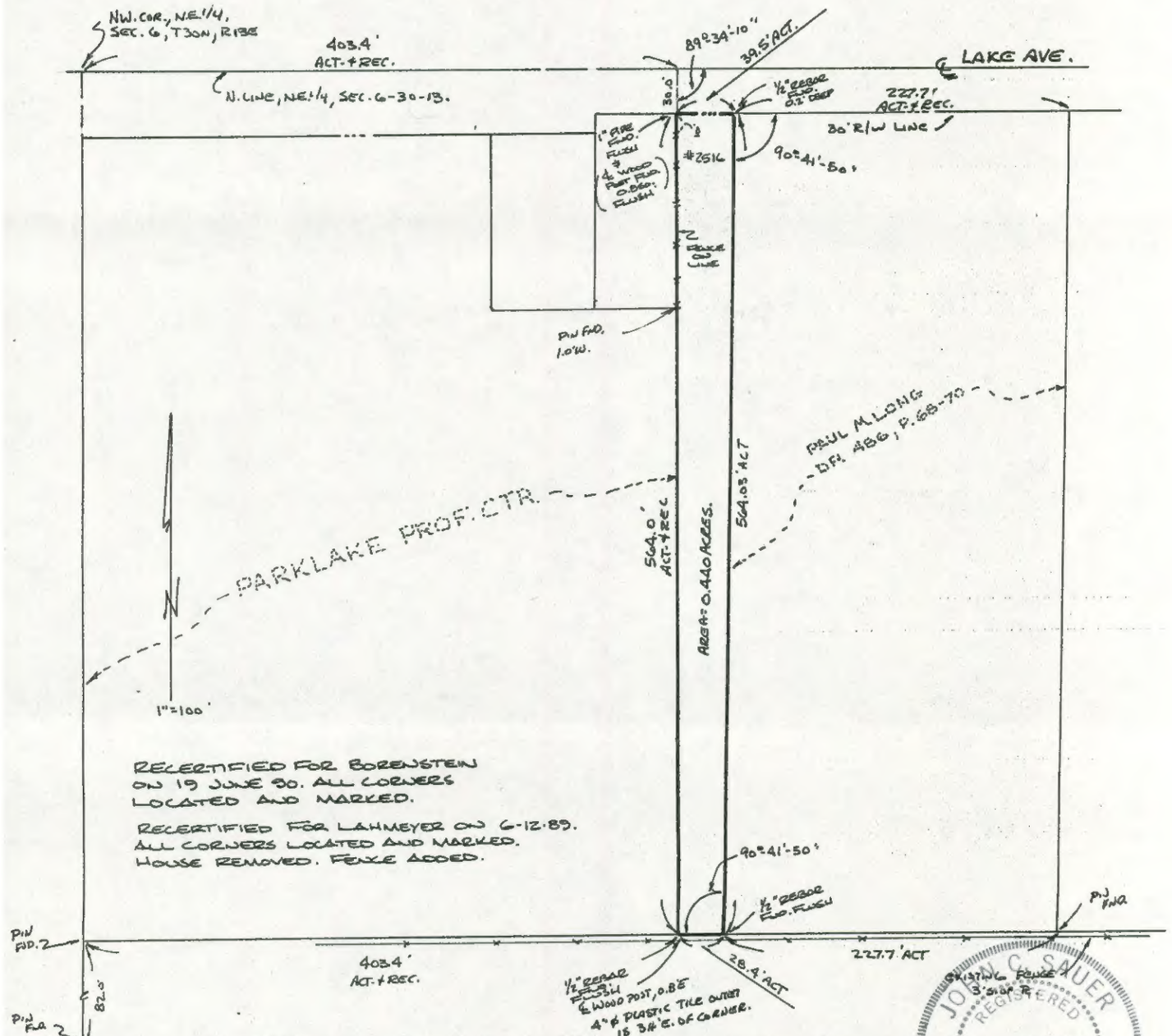
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

See Page 2 for Legal Description.

This property is in Zones A7, B, & C according to Flood Insurance Rate Map 180003 0005 B, effective April 3, 1985.



I hereby certify on the 28th day of June, 1983 that the above survey is correct.

Surveyed for: Husted

Survey No.: KO-155

REVISED ON 10-12-88: CHANGED RANGE NO.

ZOHRAB K. TAZIAN, P.E. & L.S.
JOHN C. SAUER, L.S.
SAM L. FAUST, L.S.

zktazian
CIVIL ENGINEERING SURVEYING LAND PLANNING
ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONES: 219/424-3232
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DESCRIPTION OF REAL ESTATE

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RECERTIFIED FOR BORENSTEIN ON 19 JUNE 90.

RECERTIFIED FOR LAHNEYER ON 6-12-89.

revised 11-9-83 - Northwest Quarter changed to Northeast Quarter

I hereby certify on the 28th **day of** June, 19 83 **that the above survey is correct.**

Surveyed for: Husted

Survey No.: KO-155

JOHN C. SAUER
REGISTERED
No. S0364
STATE OF INDIANA
LAND SURVEYOR

REVISED AS 10-12-83: CHANGED RANGE NO.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 14, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-08-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 20, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1990.

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-08-11
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From R-1 to POD		

DETAILS

Specific Location and/or Address

2516 Lake Avenue

Reason for Project

Professional Offices

Discussion (Including relationship to other Council actions)

20 August 1990 - Public Hearing

Lindy Moss, attorney, 1800 Fort Wayne National Bank Building, appeared before the Commission for the petitioners. Mr. Moss stated that they are requesting the rezoning in order to construct a doctors office and imaging center. He stated that they have received and reviewed the department comments. He stated that they have no problems with any of the comments and they are willing to comply with all of them. He stated that they are willing to dedicate an additional 10 feet of right-of-way along Lake Avenue and to relocate the approach as far west on the parcel as possible for better visibility as requested by Traffic Engineering.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Raymond Gize & Phillip Godsey City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for conditio
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pa

DETAILS

27 Augut 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 19 July 1990

Projected Completion or Occupancy Date 28 August 1990

Fact Sheet Prepared by Date 28 August 1990

Patricia Biancaniello

Reviewed by Date 8/30/90

Larry Magliozzi

Reference or Case Number

#445

ORIGINAL ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 2516 Lake Avenue

2-90-08-11

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become P.O.D. - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain zoned - R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-90-08-11

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. Q-10

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ X

DO PASS	DO NOT PASS	ABSTAIN	NO REC
J G Bradbury			
D C Schmidt			
Clifford R Edmonds			
Samuel J Talarico			

DATED: 9-11-90

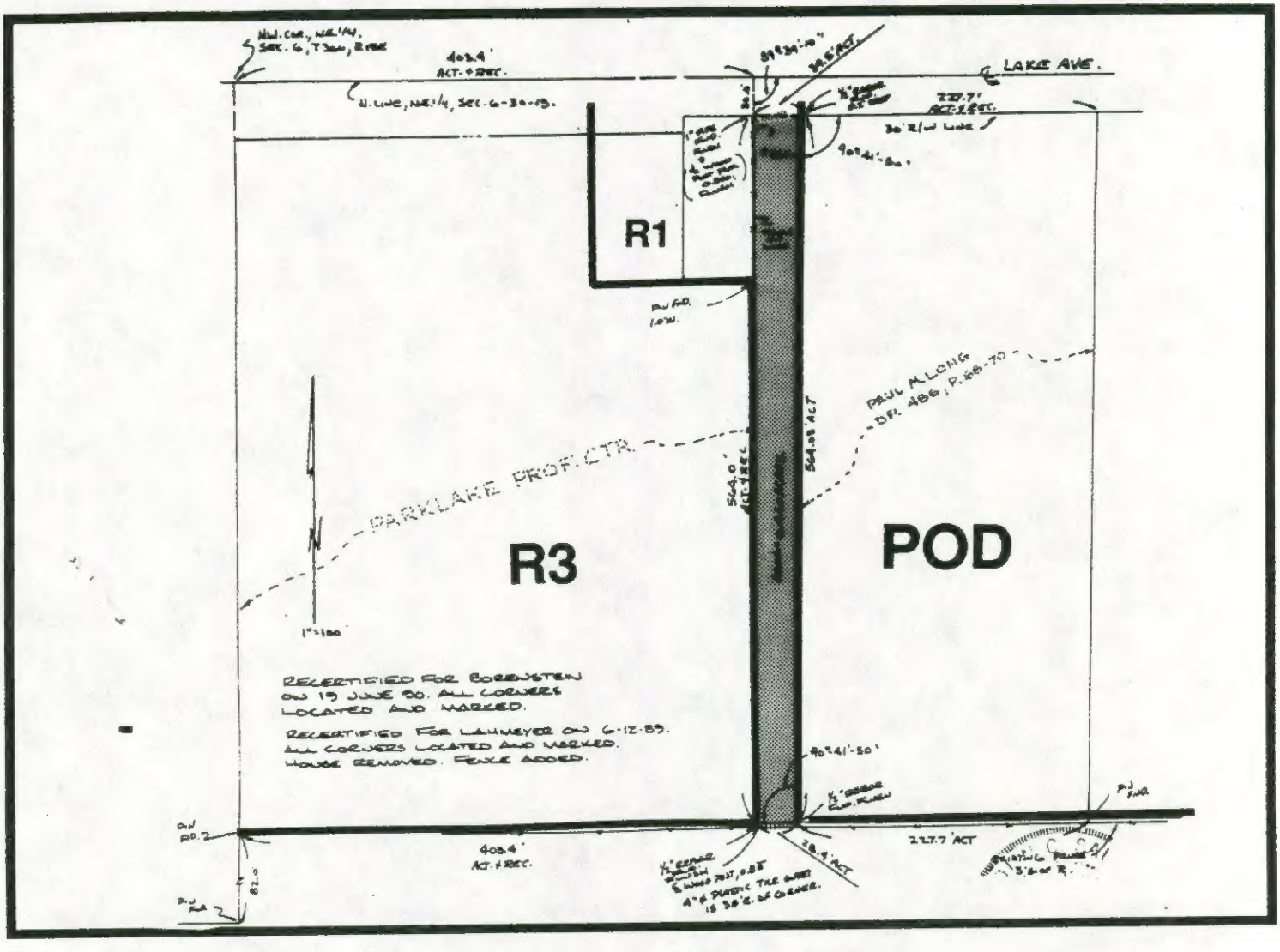
Sandra E. Kennedy
City Clerk

REZONING PETITION #445

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **POD** DISTRICT.

MAP NO. **Q-10**

COUNCILMANIC DISTRICT NO. **2**



ZONING:

R1 RESIDENTIAL DISTRICT

R3 RESIDENTIAL DISTRICT

POD PROFESSIONAL OFFICE DISTRIC

LAND USE:

☐ *COMMERCIAL*

LW

SCALE: NTS

DATE: 7-24-90

N